



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/531,476

04/15/2005

Stefan Madaus

PTB-4750-27

6503

23117 7590 04/22/2010
NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

TOTH, KAREN E

ART UNIT

PAPER NUMBER

3735

MAIL DATE

DELIVERY MODE

04/22/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10531476	4/15/2005	MADAUS ET AL.	PTB-4750-27

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

EXAMINER

KAREN E.. TOTH

ART UNIT	PAPER
----------	-------

3735

20100419

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The JPO action cited on the attached 1449 has not been considered because the citation does not meet the requirements of 37 CFR 1.98, as applicant has not provided a date for the document. The Examiner does not contest the MPEP's statement that "[t]here is no requirement that the information must be prior art references in order to be considered by the examiner"; however, the preceding sentence requires that the minimum requirements of 37 CFR 1.97 and 37 CFR 1.98 be met for this to be applied. Since all portions of 37 CFR 1.98 require that a date be provided for all cited documents (see, for example, 37 CFR 1.98(b)(5)), the presently submitted IDS fails to meet the minimum requirements and the cited document has therefore not been considered. The foreign patent documents cited in the IDS have been lined through as they were previously considered.

/Charles A. Marmor, II/
Supervisory Patent Examiner, Art Unit 3735